

RADIO COMMUNICATIONS BETWEEN PRIVATE EXPERIMENTAL STATIONS

*Exchange of notes at Washington October 2 and December 29, 1928,
and January 12, 1929*

*Entered into force January 12, 1929; operative from January 1, 1929
Extended by agreement of April 23, and May 2 and 4, 1934¹*

Treaty Series 767-A

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

Washington, 2nd. October 1928

No. 147

SIR,

I have the honour to inform you that I have been instructed by the Secretary of State for External Affairs to approach you concerning the negotiation of an Agreement between His Majesty's Government in Canada and the Government of the United States governing radio communications between private experimental stations in the two countries.

The General Regulations annexed to the International Radiotelegraph Convention signed at Washington on November 25th. 1927,² and approved by His Majesty's Government in Canada, define the conditions under which communications shall be exchanged between Private Experimental Stations (termed Amateur Stations in Canada) of different countries. The relevant provisions in this connection set down under Article 6 of the General Regulations, read as follows:—

ARTICLE 6

Private Experimental Stations

1. The exchange of communications between private experimental stations of different countries shall be forbidden if the Administration of one of the interested countries has given notice of its opposition to this exchange.

2. When this exchange is permitted the communications must, unless the interested countries have entered into other agreements among themselves, be

¹ 48 Stat. 1876; EAS 62.

² 45 Stat. 2848; TS 767.

carried on in plain language and be limited to messages bearing upon the experiments and to remarks of a private nature for which, by reason of their unimportance, recourse to the public telegraph service might not be warranted.

Canadian Private Experimental Stations (Amateur) have in the past and are, until the 1st. January, 1929, when the new regulations become effective, authorized to exchange certain messages within Canada and with other countries which permit it. Such messages are restricted to those coming within the following general headings, viz:—

1. Messages that would not normally be sent by any existing means of electrical communication and on which no tolls must be charged.
2. Messages from other Radio stations in isolated points not connected by any regular means of electrical communication; such messages to be handed to the local office of the Telegraph Company by the Amateur receiving station for transmission to final destination, e.g. messages from Expeditions in remote points such as the Arctic, etc.
3. Messages handled by Amateur Stations in cases of emergency, e.g. floods, etc., where the regular electrical communication systems become interrupted; such messages to be handed to the nearest point on the established commercial telegraph system remaining in operation.

Formal application has now been made to His Majesty's Government in Canada by Canadian Amateurs requesting that they be permitted to handle messages coming within the classes above outlined with the United States of America and that an Agreement be entered into in this connection, as provided for under Article 6, paragraph 2, of the General Regulations annexed to the Radiotelegraph Convention of Washington, 1927.

It may here be added that the same Agreement is desired with the Philippine Islands, which it is understood will adhere to the Convention through the United States.

I therefore have the honour to request that you may be good enough to inform me whether the competent authorities of the Government of the United States and of the Philippine Islands are prepared to enter into an agreement with His Majesty's Government in Canada as proposed above.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

VINCENT MASSEY

The Honourable

FRANK B. KELLOGG

Secretary of State of the United States
Washington, D.C.

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
Washington, December 29, 1928

SIR:

I have the honor to refer to your note of October 2, 1928, in which you ask whether this Government is prepared to enter into an arrangement with His Majesty's Government in Canada, in accordance with paragraph 2 of Article 6 of the General Regulations annexed to the International Radio Convention of November 25, 1927, which would permit Canadian private experimental stations in Canada to handle certain classes of radio messages with the United States and the Philippine Islands after January 1, 1929.

I take pleasure in informing you that the Government of the United States accepts the proposal contained in your note of October 2, last, with the understanding that it will be reciprocal and that the messages to be exchanged will be restricted to those coming within the following general headings:

1. "Messages that would not normally be sent by any existing means of electrical communication and on which no tolls must be charged.
2. "Messages from other radio stations in isolated points not connected by any regular means of electrical communication; such messages to be handed to the local office of the Telegraph Company by the amateur receiving station for transmission to final destination, e.g., messages from expeditions in remote points such as the Arctic, etc."
3. "Messages handled by amateur stations in cases of emergency, e.g., floods, etc., where the regular electrical communication systems become interrupted; such messages to be handed to the nearest point on the established commercial telegraph system remaining in operation."

This Government interprets the first stipulation above set forth to mean that tolls shall not be accepted by amateurs for messages handled by them and that they shall not compete with commercial radio stations or telegraph lines.

It is the desire of this Government that the arrangement shall apply to the United States and its territories and possessions, including Alaska, the Hawaiian Islands, Porto Rico, the Virgin Islands, the Panama Canal Zone and the Philippine Islands.

This Government considers also that this arrangement should be subject to termination by either Government on sixty days' notice to the other Government, by a further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

I shall be glad to have you inform me whether these additional provisions

are acceptable to your Government. If so, the arrangement will be considered to be effective as of January 1, 1929.

Accept, Sir, the renewed assurances of my highest consideration.

FRANK B. KELLOGG

The Honorable

VINCENT MASSEY

Minister of the Dominion of Canada

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

Washington, 12th. January 1929

No. 7

SIR,

I have the honour to acknowledge the receipt of your note of December 29th. 1928, concerning the proposal of His Majesty's Government in Canada to enter into an agreement with the Government of the United States in accordance with paragraph 2 of Article 6 of the General Regulations annexed to the International Radio Convention of November 25th. 1927, which would permit Canadian private experimental stations in Canada to handle certain classes of radio messages with the United States and the Philippine Islands after January 1st. 1929.

It is noted that the Government of the United States accepts the proposal contained in my note Number 147 of October 2nd. 1928, with the understanding that it will be reciprocal and that the messages to be exchanged will be restricted to those coming within the general headings described in that note.

It is noted also that the Government of the United States interprets the first stipulation set forth in the enumeration of general headings which have just been mentioned to mean that tolls shall not be accepted by amateurs for messages handled by them and that they shall not compete with commercial radio stations or telegraph lines.

His Majesty's Government in Canada observes that it is the desire of the Government of the United States that the arrangement shall apply to the United States and its territories and possessions including Alaska, the Hawaiian Islands, Porto Rico, the Virgin Islands, the Panama Canal Zone and the Philippine Islands.

It is observed also that the Government of the United States considers that this arrangement should be subject to termination by either Government on sixty days' notice to the other Government, by a further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

I have been instructed to inform you that these additional provisions are acceptable to His Majesty's Government in Canada and that, in consequence, the arrangement will be considered to be effective as of January 1st. 1929.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

VINCENT MASSEY

The Honourable

FRANK B. KELLOGG

Secretary of State of the United States
Washington, D. C.